

Exhibit 40

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CIVIL ACTION NO.: 2:16-cv-06576

INDUSTRIA DE ALIMENTOS ZENU)

S.A.S.,)

Plaintiff,)

-vs-)

LATINFOOD U.S. CORP. d/b/a ZENU)

PRODUCTS CO. and WILSON)

ZULUAGA,)

Defendant/Counter Plaintiffs,)

LATINFOOD U.S. CORP. d/b/a ZENU)

PRODUCTS CO.,)

Defendant/Counter Plaintiff,)

-vs-)

INDUSTRIA DE ALIMENTOS ZENU)

S.A.S. AND CORDIALSA USA, INC.,)

Counter Defendants.)

TRANSCRIPT of the stenographic notes of
the proceedings in the above-entitled matter, as
taken by and before LORINDA LEON, a Certified Court
Reporter of the State of New Jersey, license number
XIO1485, and Notary Public of the State of New
Jersey, held at the office of THE INGBER LAW FIRM, 51
John F. Kennedy Boulevard, Short Hills, New Jersey,
on Wednesday, May 22, 2019 commencing at 10:15 a.m.

1 MR. INGBER: Okay.

2 MR. KADOSH: I can't remember if it was
3 at the end of last week.

4 Q. I'm not interested, just so you know --
5 I'm not going to ask you any questions about what you
6 discussed with your attorney but if there were any
7 discussions before, before Mr. Kadosh became your
8 attorney in addition to this I'd like to know about
9 that.

10 Were there any, were there any further
11 communications with Mr. Arango before Mr. Kadosh
12 became involved?

13 A. In December I called him to wish him a
14 Merry Christmas.

15 Q. And did he mention this case to you?

16 A. No.

17 Q. Did you exchange any e-mails with Mr.
18 Arango about this case?

19 A. No.

20 Q. Is today the first day you met with your
21 attorney?

22 A. Yes.

23 Q. And was your wife present during this
24 meeting with Mr. Kadosh?

25 A. We didn't meet before. Just today.

1 Q. Was she present during any communication
2 between, today between you and Mr. Kadosh?

3 A. The day that he called me to tell me
4 that he was representing me, then she was there with
5 me.

6 Q. What is your wife's name?

7 A. Viviana.

8 MR. KADOSH: Mark, I'll put on the
9 record that Viviana was serving as Mr. Yepes'
10 translator and so any conversations that I had with
11 Mr. Yepes through Viviana would remain privileged.

12 MR. INGBER: Okay.

13 Q. Did you review any documents before you
14 got here, other than this subpoena?

15 A. No.

16 Q. Did you enter into any kind of
17 nondisclosure agreement with Cordialsa?

18 A. No.

19 Q. Have you ever entered into any
20 confidentiality agreement with Cordialsa?

21 A. No.

22 Q. Now, what type of company is Cordialsa?

23 A. They manufacture, well, distributing,
24 distribution of products in the United States.

25 Q. What kind of products?

1 A. Coffee. (In English) Chocolate drinks.

2 (Through the interpreter) Cookies and candy.

3 Q. How about meat?

4 A. Not Cordialsa.

5 Q. Is there another branch of Cordialsa
6 that sells meat?

7 A. Not Cordialsa.

8 Q. How about vegetables, beans?

9 A. Not that I know of.

10 Q. Just chocolate and candy?

11 A. And cookies.

12 Q. And cookies. And were those the only
13 products you were, you were selling on their behalf
14 when you were working for them?

15 A. Yes.

16 Q. How many people does Cordialsa employ?

17 A. Until before I left there were 15 in
18 sales and five in the management.

19 Q. Does that include the 15 in sales that
20 were, under your supervision when you left?

21 A. Yes.

22 Q. Where are their products sold?

23 A. Latin supermarkets.

24 Q. What geographic areas do they sell?

25 A. New York, New Jersey and Connecticut.

1 between Cordialsa and a company by the name of
2 Industria?

3 A. Only Industria?

4 Q. Industria De Alimentos.

5 A. Industria De Alimentos has a name?

6 Q. Industria De Alimentos Zenu.

7 A. Oh, yes.

8 Q. What do you know their relationship to
9 be?

10 A. It's my understanding that they belong
11 to the same group.

12 Q. And what group is that?

13 A. Nutressa.

14 Q. Did you have any dealings with anybody
15 working for Industria De Alimentos Zenu?

16 A. No.

17 Q. Do you know a Luis Salazar from
18 Industria De Alimentos Zenu?

19 A. No.

20 Q. Do you recall ever meeting anybody from
21 that company?

22 A. No.

23 Q. How about Nutressa, have you met people
24 that work for Nutressa?

25 A. The ones that work for, the brands that

1 I mentioned.

2 Q. Do you know -- what do you know about
3 the brands Zenu and Ranchero?

4 A. They're the ones that I used to consume
5 when I was a child.

6 Q. Back in Columbia?

7 A. And in my main city.

8 Q. Have you consumed those goods in the
9 U.S.?

10 A. No.

11 Q. Who, who are the typical customers --
12 strike that.

13 I believe you said that the customers of
14 Cordialsa in the U.S. are typically from Latin
15 America.

16 A. Yes.

17 Q. Any particular countries in Latin
18 America?

19 A. Columbians. And Central Americans
20 mostly.

21 Q. Mexicans, too?

22 A. A few.

23 Q. How about people from Argentina?

24 A. No.

25 Q. Or Chile?

1 A. Zuko.

2 Q. And what about from Peru?

3 A. A few.

4 Q. Venezuela?

5 A. No.

6 Q. What about Bolivia?

7 A. No.

8 Q. So most of the customers you would say
9 of Cordialsa products are from Columbia and Central
10 American countries.

11 Is that correct?

12 MR. KADOSH: Objection. Asked and
13 answered.

14 A. Yes.

15 Q. Are you aware of any U.S. locations
16 where Zenu or Ranchero branded products are developed
17 or manufactured?

18 MR. KADOSH: Objection. Can you just
19 clarify whether you're referring to the Latinfood's
20 Zenu and Ranchero products or the Industria Zenu or
21 Ranchero products?

22 MR. INGBER: I asked him if he's aware
23 of any U.S. locations where Zenu and Ranchero brand
24 products are manufactured.

25 Q. Please answer that question, please.

1 business called Food Bazarre? Is that a name you're
2 familiar with?

3 A. Yes.

4 Q. How many locations did they have?

5 A. We worked with about six supermarkets.
6 The six that were most important to us.

7 Q. Do you know if Latinfood was selling
8 any, any Zenu or Ranchero branded products in C-Town?

9 A. I don't know.

10 Q. How about Bravo Supermarkets, do you
11 know if Latinfood was selling Zenu or Ranchero
12 branded goods there?

13 A. I'm not sure.

14 Q. How about Twin City?

15 A. I'm not sure.

16 Q. How about Supremo?

17 A. I'm not sure either.

18 Q. How about Food Fair?

19 A. Yes.

20 Q. Food Fair. How about Food Bazarre?

21 A. I don't know.

22 Q. Did you ever buy any Latinfood products?

23 A. I don't remember. Perhaps.

24 Q. Did you buy -- do you remember buying
25 any Latinfood Zenu branded product?

1 A. Oh, no, I did not.

2 Q. How about Ranchero?

3 A. No.

4 Q. Are you aware of any -- so were you
5 dealing with customers meaning the end users, the
6 people who were buying the cookies or were you just
7 dealing with the, the supermarket representatives?

8 A. Especially with the manager.

9 Q. Did anybody ever tell you or discuss
10 with you that there was any kind of confusion in the
11 U.S. concerning the Zenu or Ranchero marks?

12 A. No. Only until the day that I ran into
13 Mr. Zuluaga.

14 Q. Are you aware of any time when a person
15 has been confused as to who was the owner of Zenu or
16 Ranchero marks in the U.S.?

17 A. No.

18 Q. Has anyone ever asked you if Cordialsa
19 is affiliated with Latinfood in the U.S.?

20 A. No.

21 Q. During your employment at Cordialsa did
22 you ever participate in any trade shows?

23 A. Yes.

24 Q. Where were they?

25 A. In Secaucus. I don't remember the name

1 of the place.

2 Q. How many times did you go?

3 A. Two times.

4 Q. Do you know the name of the, of the
5 trade show?

6 A. Not the name of the show but just who
7 was hosting it. It was C&S and Krasdale.

8 Q. Do you know who that stands for, C&S?

9 A. No. That's just the name. They're a
10 food distributor.

11 Q. Where are they located?

12 A. The office is in Edison, New Jersey.

13 Q. Do you recall if the name of the trade
14 show was the White Rose trade show?

15 A. I think it has the same name as a
16 distributor.

17 Q. So did you attend these trade shows on
18 behalf of Cordialsa?

19 A. Yes.

20 Q. Did you have a booth?

21 A. Yes.

22 Q. How many people were at the booth for
23 Cordialsa?

24 A. Two.

25 Q. Who was the other person?

1 goods from outside of the country and into the U.S.?

2 A. I don't know.

3 Q. So have you ever been involved in
4 marketing or sales of Zenu or Ranchero branded
5 products in the U.S.?

6 A. No.

7 Q. Do you know if Cordialsa has a sales
8 team in the U.S. for selling Zenu or Ranchero branded
9 products?

10 A. They do not have one.

11 Q. Do you know if Industria provides
12 Cordialsa with any sales strategy or sales material?

13 A. I don't know.

14 Q. Do you know if Cordialsa has ever tried
15 to sell Industria Zenu or Ranchero branded products
16 in the U.S.?

17 A. I don't know.

18 Q. Getting back to Luis Arango, he was your
19 boss?

20 A. Yes.

21 Q. And how often did you communicate with
22 him?

23 A. Two or three times a week.

24 Q. And how did you communicate with him?
25 Was it via e-mail, text, phone calls?

1 A. Phone calls and e-mails.

2 Q. Did he ever phone you or e-mail you
3 about Latinfood Zenu/Ranchero branded products?

4 A. No.

5 Q. Did you ever receive any instructions
6 from Cordialsa telling you to stop or disrupt the
7 marketing of Latinfood Zenu and Ranchero branded
8 products in the New York metro area?

9 A. No.

10 Q. Did you have any discussions with Mr.
11 Arango about how to handle or deal with Latinfood
12 Zenu and Ranchero branded products in the New York
13 area?

14 A. What do you mean by "dealing with or
15 handle?"

16 Q. Did Mr. Arango express any concern to
17 you about Latinfood Zenu and Ranchero branded
18 products in your area?

19 A. No.

20 Q. Were you aware of any issues that
21 Cordialsa had with Latinfood Zenu and Ranchero
22 branded products in your area?

23 MR. KADOSH: Objection.

24 You can answer.

25 A. No.

1 Q. Did Cordialsa -- do you know if
2 Cordialsa directed its sales employees to inform New
3 York area stores that Zenu branded products that are
4 being sold are fake or unauthorized?

5 MR. KADOSH: Objection.

6 A. I'm sure they did not.

7 Q. Now, I'd like to read into the record
8 for translation purposes paragraphs 18 and 19 of
9 Latinfood's counterclaims.

10 THE INTERPRETER: Starts at page 23?

11 MR. INGBER: Yes.

12 Q. "On or around July 15th, 2015 Latinfood
13 through its principal Mrs. Zuluaga was performing a
14 regular visit to its customer Food Fair Supermarket
15 located at 976 Market Street, Paterson, New Jersey,
16 07513 when the store manager requested that Latinfood
17 pick up and remove all Latinfood's Zenu branded
18 products from the store. The manager informed
19 Latinfood that the area manager of Cordialsa
20 Alejandro Yepes told him that the Latinfood's Zenu
21 branded products were, quote, fake and intimidated
22 the manager into removing the products from the store
23 entirely."

24 Next paragraph. "On or around July 15,
25 2015 Mr. Zuluaga was able to speak with Mr. Yepes in

1 the parking lot. And Mr. Yepes admitted that he had
2 told the Food Fair Supermarket store manager that the
3 Latinfood products were fake and that he had
4 requested they be removed from the store shelves.
5 Mr. Yepes continued to say that he had been given
6 direct orders from his manager Luis Arango to
7 identify points of sale of any Zenu branded products
8 and to tell such point of sale that the products were
9 fake and that they had to be removed immediately from
10 the sales floor."

11 Now, do you remember going to Food Fair
12 Supermarket and/or around July 15, 2015?

13 A. Yes.

14 Q. Do you know Elvis Rodriguez?

15 A. Yes.

16 Q. And who is he?

17 A. He's the buyer for the store.

18 Q. Did you tell him to pick up -- excuse
19 me. Strike that. Did you tell Mr. Rodriguez --
20 strike that.

21 What did you tell Mr. Rodriguez that
22 day?

23 A. That I was surprised to find the brand
24 there.

25 Q. Why were you surprised?

1 A. Because it was clear to me that we were
2 not importing the product from Columbia and I thought
3 it was imported product.

4 Q. I believe you said before that Latinfood
5 wasn't your competitor.

6 A. Yes, I said that.

7 Q. So what business did you have worrying
8 about what Latinfood was selling there?

9 MR. KADOSH: Object. Objection. Can
10 you clarify what you mean when you say what business
11 did he have?

12 Q. Why were you interested in what
13 Latinfood was selling at Food Fair Supermarket when
14 they weren't a competitor of Cordialsa?

15 MR. KADOSH: Objection. Argumentative.
16 Answer.

17 A. Nothing toward Latinfood.

18 Q. Who was it towards?

19 A. I was just surprised when I saw the
20 product there because we were sure, well, I was sure
21 that we did not have that product.

22 Q. What, what made you interested in
23 Latinfood products being sold at Food Fair
24 Supermarket if it wasn't your competitor?

25 MR. KADOSH: Objection. Mr. Yepes

1 didn't testify that he was interested.

2 But you can answer the question if you
3 can.

4 A. Nothing. Just that I thought that that
5 product was imported from Columbia. There are other
6 distributors that did the same thing with our brand.
7 That's all. That was my surprise.

8 Q. Did you go into Food Fair Supermarket
9 that day looking for Latinfood Zenu branded product?

10 A. No.

11 Q. Mr. Arango did not tell you to go into
12 that, into New York area stores to look for Latinfood
13 Zenu branded product.

14 Is that correct?

15 A. No.

16 Q. You're under oath today. I just want
17 you to be aware of that. Now you have an obligation
18 to testify as to the truth.

19 MR. KADOSH: Objection. Stop badging
20 the witness.

21 You can answer.

22 A. He never did this.

23 Q. Did somebody else do it at Cordialsa?

24 A. No.

25 Q. Did anybody ever tell you to look for

1 Latinfood products at any locations that you, that
2 you were selling your goods to?

3 A. No.

4 Q. Did you tell Mr. Rodriguez that day that
5 Latinfood's Zenu branded goods were fake?

6 A. No.

7 Q. Did you tell Mr. Rodriguez that
8 Latinfood Zenu goods were unauthorized?

9 A. I said that when I thought it was an
10 imported product.

11 Q. And that was a problem?

12 MR. KADOSH: Objection. Vague.

13 Q. Was that a problem that their goods
14 were, Latinfood goods were imported? Weren't
15 Cordialsa's goods imported as well?

16 A. Cordialsa is in charge of the management
17 of all the brands in the group so I would know if
18 Cordialsa was managing Zenu.

19 Q. Why -- did you make a connection between
20 Cordialsa and Zenu for some reason?

21 MR. KADOSH: Objection.

22 You can answer.

23 A. I was working in the city and I knew it
24 was in the group. And when I go into the Nutressa
25 web page you can find Zenu there.

1 Q. Did you tell Mr. Rodriguez that you
2 wanted the Latinfood Zenu goods removed from the
3 store shelves?

4 A. No.

5 Q. Did Mr. Arango ever tell you that
6 Latinfood Zenu/Ranchero products in the New York
7 metro area were hurting or damaging Cordialsa or
8 Industria's reputation?

9 A. No.

10 MR. KADOSH: Off the record for a
11 second.

12 (Discussion is held off the record.)
13 Were the Zenu branded goods that you saw at Food
14 Fair, were they meat products.

15 A. No.

16 Q. Do you know we took the deposition of
17 Mr. Rodriguez?

18 A. I did not know.

19 Q. Do you know I asked Mr. Yepes -- excuse
20 me, Mr. Rodriguez on March 18th at his deposition if
21 you told him that those Zenu branded goods were
22 unauthorized and he testified that yes, that you told
23 him that?

24 MR. KADOSH: Objection. Are you asking
25 him whether he knew that Mr. Rodriguez gave that

1 testimony? Is that your question?

2 MR. INGBER: I'm asking him that, yes.

3 MR. KADOSH: He already testified that
4 he didn't know that Mr. Rodriguez gave testimony so
5 how...

6 MR. INGBER: I'm asking --
7 Could you repeat the question?
8 (Interpreter interprets.)

9 MR. KADOSH: You can answer.

10 A. This is what I thought. As I said
11 before, that the products were what we call
12 contraband.

13 Q. Contraband.

14 A. And what I said to them, to him was that
15 we were not liable for that product.

16 Q. Was there a reason that you expected to
17 be held liable for a product that was being sold by
18 another company Latinfood?

19 A. No.

20 Q. So you told Mr. Rodriguez that the
21 Latinfood Zenu products were contraband.

22 Correct?

23 A. No. That's what I thought but I didn't
24 say it.

25 MR. INGBER: Could we go back, can we go

1 back and to the part where he mentioned "contraband"
2 before and just repeat his answer?

3 (Testimony is read back as follows:

4 "Do you know I asked Mr. Rodriguez on
5 March 18th at his deposition if you told him that
6 those Zenu branded goods were unauthorized and he
7 testified that yes, that you told him that?

8 "ANSWER: This is what I thought. As I
9 said before, that the products were what we call
10 contraband. And what I said to them, to him was that
11 we were not liable for that product.")

12 Q. So are you saying that you thought that
13 they were contraband but you didn't tell him that
14 they were contraband?

15 MR. KADOSH: Objection. Asked and
16 answered.

17 A. Yes.

18 Q. So Mr. Rodriguez has testified in
19 response to the question -- strike that.

20 I asked Mr. Rodriguez, did he, meaning
21 you, tell Mr. Rodriguez that they were fake. And he
22 responded that they weren't authorized because it
23 wasn't Zenu products so yes, fake. That's what he
24 said.

25 Is this accurate, this statement?

1 A. What I said is that we -- well, that
2 that product was not imported by us.

3 Q. Was Cordialsa selling authentic Zenu
4 product?

5 A. No.

6 Q. Did you report on this incident to Mr.
7 Arango?

8 A. Yes.

9 Q. What did you tell him?

10 A. He said not to do anything else, that
11 the company would take care of everything else.

12 Q. How did you contact him? By phone or
13 mail, e-mail?

14 A. Phone. Cell phone.

15 Q. Did you, did you tell Mr. Rodriguez or
16 remove the Latinfood Zenu products from the shelves?

17 A. No.

18 Q. How long was your meeting with Mr.
19 Rodriguez?

20 A. Between five and seven minutes because
21 that was not the only thing we talked about.

22 Q. Before that day was there any other time
23 that you had approached Mr. Rodriguez and told him
24 that goods on the shelves were not authorized?

25 MR. KADOSH: Objection. Are you talking

1 about Latinfood products or any products?

2 Q. Any other products.

3 A. Can you repeat the question, please?

4 (Last question is read back.)

5 A. No.

6 Q. Had you ever told any other store that
7 goods on their shelves were, were unauthorized?

8 A. No.

9 Q. So the only -- is it true that the only
10 time you ever went into a store and told them that
11 they were selling unauthorized goods was relating to
12 Latinfood Zenu products?

13 A. Only at that store.

14 Q. But Mr. Arango never instructed you to,
15 to go and speak to Mr. Rodriguez about this.

16 Is that correct?

17 A. No.

18 Q. Now, after that meeting did you, did you
19 happen to go into your parking lot to leave the
20 location?

21 A. Yes.

22 Q. Did you see Mr. Zuluaga there?

23 A. Yes.

24 Q. Is that the same person that is sitting
25 in this room with us?

1 A. Yes.

2 Q. And did you have a conversation with Mr.
3 Zuluaga that day?

4 A. Yes.

5 Q. Now, Mr. Rodriguez testified at his
6 deposition that he was a witness to that
7 conversation.

8 Is that true?

9 A. Yes.

10 Q. So tell me what happened during that
11 meeting.

12 A. He introduced -- Mr. Rodriguez
13 introduced him to me. This is about 10 minutes after
14 we had had our conversation because I did not leave
15 the store right away. Once I was in the parking lot
16 Mr. Rodriguez and Mr. Zuluaga approached me to talk
17 with me. Mr. Rodriguez told me that he's the one who
18 was selling the product. And Mr. Zuluaga told me
19 that he was the person selling this product and that
20 he -- then he explained to me and this was the first
21 time that I learned that the product was being
22 manufactured here and that he was the owner of the
23 brand. At that moment I recognized it and I, I
24 apologized to Mr. Zuluaga. And I told him that from
25 now on that I would no longer get involved in that

1 business.

2 Q. According to paragraph 19 it says that
3 you admitted that you told the Food Fair Supermarket
4 store manager that the Latinfood were fake and that
5 you had requested they be removed from the store
6 shelves.

7 Is that accurate?

8 A. The only thing I recognized was after
9 the explanation of Mr. Zuluaga.

10 Q. And what's that?

11 A. When he told me that he owned the brand
12 and that the product was manufactured here. This was
13 the first time I heard anything like that.

14 Q. But you don't, you don't -- do you deny
15 again that you called the Latinfood Zenu product
16 fake?

17 A. I said that they weren't -- I said --
18 well, if they were fake, no.

19 MR. KADOSH: Just to -- can we just
20 clarify that bit of testimony?

21 Did you call the Latinfood products
22 fake? Yes or no?

23 MR. INGBER: You'll have to wait until
24 you get to question.

25 MR. KADOSH: I think that the testimony

1 isn't clear and we need to clarify. Especially
2 because we are using an interpreter I think it needs
3 to be clarified now.

4 MR. INGBER: I think it is clarified and
5 I think you can ask him whatever questions you want
6 after.

7 Q. According to, according to this, this
8 complaint in paragraph 19 it says that you continued
9 to say that you had been given direct orders from
10 your manager Luis Arango to identify points of sale
11 of any Zenu branded products and to tell such point
12 of sale that the products were fake and that they had
13 to be removed immediately from the sales floor.

14 MR. KADOSH: Objection. Asked and
15 answered.

16 Q. Is that statement true?

17 A. He never told me that.

18 Q. Who is "he?"

19 A. Luis Alfonso.

20 Q. Did somebody else tell you that?

21 A. No.

22 Q. Did you go into any other locations
23 like Twin City and point out to the store managers
24 there that the Latinfood Zenu products were likewise
25 unauthorized?

1 MR. KADOSH: Objection. Asked and
2 answered.

3 A. No.

4 Q. Did you tell Mr. Rodriguez that he
5 wasn't, his wasn't the only store that you were, that
6 was selling unauthorized Latinfood Zenu products?

7 A. No, I did not say that.

8 Q. So if I told you that Mr. Rodriguez
9 testified under oath that you specifically mentioned
10 that Twin Cities, Twin City was one of the stores
11 that you had approached because they had also
12 purchased Zenu branded products sold by Latinfood,
13 that would be inaccurate?

14 MR. KADOSH: Objection. Asked and
15 answered.

16 A. Incorrect.

17 Q. Incorrect.

18 A. Can I ask a question?

19 Q. No. If you want to make a statement...

20 A. No.

21 Q. Do you know if Mr. Rodriguez removed
22 Latinfood Zenu branded products from his location?

23 A. I don't know.

24 Q. Did you ever check again at that
25 location to see if the goods were being sold?

1 A. No.

2 Q. Did you, did you tell any of your
3 employees by any chance that they should go to other
4 store locations to check if Latinfood Zenu or
5 Ranchero branded goods were being sold?

6 A. No.

7 Q. So you never followed up with any other
8 store -- strike that.

9 So you never mentioned to any other
10 store to the best of your recollection that the
11 Latinfood Zenu branded products were unauthorized.

12 Is that correct?

13 A. No.

14 Q. So once you had -- I believe you said
15 before that you had apologized to Mr. Zuluaga for
16 bringing up his product to Mr. Rodriguez.

17 Is that correct?

18 MR. KADOSH: Objection. He did not
19 testify that he apologized.

20 MR. INGBER: He did.

21 A. I apologized once I learned that it was
22 a product that was being manufactured by Mr. Zuluaga.

23 Q. You apologized to Mr. Zuluaga.

24 Is that correct?

25 A. Yes.

1 Q. Was Mr. Zuluaga upset with you when he
2 met with you?

3 A. Yes.

4 Q. How did the meeting with Mr. Zuluaga
5 end?

6 A. It ended well.

7 Q. Did you report back to Mr. Arango about
8 your meeting with Mr. Zuluaga?

9 MR. KADOSH: Objection. Asked and
10 answered.

11 A. Yes.

12 Q. Did you take any notes or make any phone
13 calls or send any e-mail or text message to anyone
14 following your conversation with Mr. Zuluaga other
15 than Mr. Arango?

16 MR. KADOSH: Objection. Compound
17 question. Can you break that down?

18 A. No.

19 Q. Do you know who John Jairo is?

20 A. No.

21 MR. INGBER: J-A-I-R-O.

22 Q. Did you report back to Mr. Arango on any
23 other locations where you had seen Latinfood Zenu or
24 Ranchero branded products?

25 A. He gave me an order to forget about this

1 matter.

2 Q. Was that around the same time that you
3 met with Mr. Zuluaga and Mr. Rodriguez?

4 A. After I met Mr. Zuluaga.

5 Q. Around the same time after?

6 MR. KADOSH: Objection. Asked and
7 answered.

8 A. Immediately, yes.

9 MR. INGBER: Why don't we take a short
10 break? I think we are close to the end.

11 (Brief recess is held.)

12 Q. Now, back when you met with Mr.
13 Rodriguez before, before Mr. Zuluaga joined the,
14 joined the, made it a three-way meeting, was there
15 any other persons there while you were talking to Mr.
16 Rodriguez?

17 A. No.

18 Q. Do you know if -- would it -- if I told
19 you that there was a line stocker there named
20 Gregorio at Food Fair does that name ring a bell to
21 you?

22 A. He wasn't present in the face-to-face
23 conversation. That's all I know.

24 Q. Do you know, do you know who the person
25 I'm talking about is, Gregorio, the line stocker?

1 A. Yes, I know who he is.

2 Q. So do you know if Gregorio was in the
3 area while you were talking to Mr. Rodriguez? Do you
4 remember?

5 A. No, I don't remember.

6 Q. So he may have been there but you don't
7 remember one way or the other?

8 A. He was not in the conversation and the
9 lines in that supermarket are very long.

10 Q. I think that's all I have. Thank you
11 for coming today. I appreciate it.

12 MR. KADOSH: I just have a few questions
13 for you. In your conversation with Mr. Rodriguez at
14 Food Fair did you call the Latinfood Zenu or Ranchero
15 product fake?

16 THE WITNESS: No.

17 MR. KADOSH: When you had your
18 conversations with Luis Arango what language did you
19 speak in?

20 THE WITNESS: Spanish.

21 MR. KADOSH: And do you know, do you
22 know how fluent Mr. Arango is in English?

23 THE WITNESS: I don't know because we
24 only speak in Spanish.

25 MR. KADOSH: No further questions.

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(Testimony concludes at 12:48 p.m.)

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